



Sen. John M. Sullivan

# Adopted in Senate on Mar 19, 2013

09800SB2213sam001

LRB098 07080 RPM 43223 a

1 AMENDMENT TO SENATE BILL 2213

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2213 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 2-3.25g, 27-24, and 27-24.2 as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)  
7 Sec. 2-3.25g. Waiver or modification of mandates within the  
8 School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or  
11 administrative district, as the case may be, for a joint  
12 agreement.

13 "Eligible applicant" means a school district, joint  
14 agreement made up of school districts, or regional  
15 superintendent of schools on behalf of schools and programs  
16 operated by the regional office of education.

1           "Implementation date" has the meaning set forth in  
2           Section 24A-2.5 of this Code.

3           "State Board" means the State Board of Education.

4           (b) Notwithstanding any other provisions of this School  
5           Code or any other law of this State to the contrary, eligible  
6           applicants may petition the State Board of Education for the  
7           waiver or modification of the mandates of this School Code or  
8           of the administrative rules and regulations promulgated by the  
9           State Board of Education. Waivers or modifications of  
10          administrative rules and regulations and modifications of  
11          mandates of this School Code may be requested when an eligible  
12          applicant demonstrates that it can address the intent of the  
13          rule or mandate in a more effective, efficient, or economical  
14          manner or when necessary to stimulate innovation or improve  
15          student performance. Waivers of mandates of the School Code may  
16          be requested when the waivers are necessary to stimulate  
17          innovation or improve student performance. Waivers may not be  
18          requested from laws, rules, and regulations pertaining to  
19          special education, teacher certification, teacher tenure and  
20          seniority, or Section 5-2.1 of this Code or from compliance  
21          with the No Child Left Behind Act of 2001 (Public Law 107-110).  
22          On and after the applicable implementation date, eligible  
23          applicants may not seek a waiver or seek a modification of a  
24          mandate regarding the requirements for (i) student performance  
25          data to be a significant factor in teacher or principal  
26          evaluations or (ii) for teachers and principals to be rated

1 using the 4 categories of "excellent", "proficient", "needs  
2 improvement", or "unsatisfactory". On the applicable  
3 implementation date, any previously authorized waiver or  
4 modification from such requirements shall terminate.

5 (c) Eligible applicants, as a matter of inherent managerial  
6 policy, and any Independent Authority established under  
7 Section 2-3.25f may submit an application for a waiver or  
8 modification authorized under this Section. Each application  
9 must include a written request by the eligible applicant or  
10 Independent Authority and must demonstrate that the intent of  
11 the mandate can be addressed in a more effective, efficient, or  
12 economical manner or be based upon a specific plan for improved  
13 student performance and school improvement. Any eligible  
14 applicant requesting a waiver or modification for the reason  
15 that intent of the mandate can be addressed in a more  
16 economical manner shall include in the application a fiscal  
17 analysis showing current expenditures on the mandate and  
18 projected savings resulting from the waiver or modification.  
19 Applications and plans developed by eligible applicants must be  
20 approved by the board or regional superintendent of schools  
21 applying on behalf of schools or programs operated by the  
22 regional office of education following a public hearing on the  
23 application and plan and the opportunity for the board or  
24 regional superintendent to hear testimony from staff directly  
25 involved in its implementation, parents, and students. The time  
26 period for such testimony shall be separate from the time

1 period established by the eligible applicant for public comment  
2 on other matters. If the applicant is a school district or  
3 joint agreement requesting a waiver or modification of Section  
4 27-6 of this Code, the public hearing shall be held on a day  
5 other than the day on which a regular meeting of the board is  
6 held.

7 (c-5) If the applicant is a school district, then the  
8 district shall post information that sets forth the time, date,  
9 place, and general subject matter of the public hearing on its  
10 Internet website at least 14 days prior to the hearing. If the  
11 district is requesting to increase the fee charged for driver  
12 education authorized pursuant to Section 27-24.2 of this Code,  
13 the website information shall include the proposed amount of  
14 the fee the district will request. All school districts must  
15 publish a notice of the public hearing at least 7 days prior to  
16 the hearing in a newspaper of general circulation within the  
17 school district that sets forth the time, date, place, and  
18 general subject matter of the hearing. Districts requesting to  
19 increase the fee charged for driver education shall include in  
20 the published notice the proposed amount of the fee the  
21 district will request. If the applicant is a joint agreement or  
22 regional superintendent, then the joint agreement or regional  
23 superintendent shall post information that sets forth the time,  
24 date, place, and general subject matter of the public hearing  
25 on its Internet website at least 14 days prior to the hearing.  
26 If the joint agreement or regional superintendent is requesting

1 to increase the fee charged for driver education authorized  
2 pursuant to Section 27-24.2 of this Code, the website  
3 information shall include the proposed amount of the fee the  
4 applicant will request. All joint agreements and regional  
5 superintendents must publish a notice of the public hearing at  
6 least 7 days prior to the hearing in a newspaper of general  
7 circulation in each school district that is a member of the  
8 joint agreement or that is served by the educational service  
9 region that sets forth the time, date, place, and general  
10 subject matter of the hearing, provided that a notice appearing  
11 in a newspaper generally circulated in more than one school  
12 district shall be deemed to fulfill this requirement with  
13 respect to all of the affected districts. Joint agreements or  
14 regional superintendents requesting to increase the fee  
15 charged for driver education shall include in the published  
16 notice the proposed amount of the fee the applicant will  
17 request. The eligible applicant must notify in writing the  
18 affected exclusive collective bargaining agent and those State  
19 legislators representing the eligible applicant's territory of  
20 its intent to seek approval of a waiver or modification and of  
21 the hearing to be held to take testimony from staff. The  
22 affected exclusive collective bargaining agents shall be  
23 notified of such public hearing at least 7 days prior to the  
24 date of the hearing and shall be allowed to attend such public  
25 hearing. The eligible applicant shall attest to compliance with  
26 all of the notification and procedural requirements set forth

1 in this Section.

2 (d) A request for a waiver or modification of  
3 administrative rules and regulations or for a modification of  
4 mandates contained in this School Code shall be submitted to  
5 the State Board of Education within 15 days after approval by  
6 the board or regional superintendent of schools. The  
7 application as submitted to the State Board of Education shall  
8 include a description of the public hearing. ~~Except with~~  
9 ~~respect to contracting for adaptive driver education, an~~  
10 ~~eligible applicant wishing to request a modification or waiver~~  
11 ~~of administrative rules of the State Board of Education~~  
12 ~~regarding contracting with a commercial driver training school~~  
13 ~~to provide the course of study authorized under Section 27-24.2~~  
14 ~~of this Code must provide evidence with its application that~~  
15 ~~the commercial driver training school with which it will~~  
16 ~~contract holds a license issued by the Secretary of State under~~  
17 ~~Article IV of Chapter 6 of the Illinois Vehicle Code and that~~  
18 ~~each instructor employed by the commercial driver training~~  
19 ~~school to provide instruction to students served by the school~~  
20 ~~district holds a valid teaching certificate or teaching~~  
21 ~~license, as applicable, issued under the requirements of this~~  
22 ~~Code and rules of the State Board of Education. Such evidence~~  
23 ~~must include, but need not be limited to, a list of each~~  
24 ~~instructor assigned to teach students served by the school~~  
25 ~~district, which list shall include the instructor's name,~~  
26 ~~personal identification number as required by the State Board~~

1 ~~of Education, birth date, and driver's license number. If the~~  
2 ~~modification or waiver is granted, then the eligible applicant~~  
3 ~~shall notify the State Board of Education of any changes in the~~  
4 ~~personnel providing instruction within 15 calendar days after~~  
5 ~~an instructor leaves the program or a new instructor is hired.~~  
6 ~~Such notification shall include the instructor's name,~~  
7 ~~personal identification number as required by the State Board~~  
8 ~~of Education, birth date, and driver's license number. If a~~  
9 ~~school district maintains an Internet website, then the~~  
10 ~~district shall post a copy of the final contract between the~~  
11 ~~district and the commercial driver training school on the~~  
12 ~~district's Internet website. If no Internet website exists,~~  
13 ~~then the district shall make available the contract upon~~  
14 ~~request. A record of all materials in relation to the~~  
15 ~~application for contracting must be maintained by the school~~  
16 ~~district and made available to parents and guardians upon~~  
17 ~~request. The instructor's date of birth and driver's license~~  
18 ~~number and any other personally identifying information as~~  
19 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~  
20 ~~must be redacted from any public materials. Following receipt~~  
21 ~~of the waiver or modification request, the State Board shall~~  
22 ~~have 45 days to review the application and request. If the~~  
23 ~~State Board fails to disapprove the application within that 45~~  
24 ~~day period, the waiver or modification shall be deemed granted.~~  
25 ~~The State Board may disapprove any request if it is not based~~  
26 ~~upon sound educational practices, endangers the health or~~

1 safety of students or staff, compromises equal opportunities  
2 for learning, or fails to demonstrate that the intent of the  
3 rule or mandate can be addressed in a more effective,  
4 efficient, or economical manner or have improved student  
5 performance as a primary goal. Any request disapproved by the  
6 State Board may be appealed to the General Assembly by the  
7 eligible applicant as outlined in this Section.

8 A request for a waiver from mandates contained in this  
9 School Code shall be submitted to the State Board within 15  
10 days after approval by the board or regional superintendent of  
11 schools. The application as submitted to the State Board of  
12 Education shall include a description of the public hearing.  
13 The description shall include, but need not be limited to, the  
14 means of notice, the number of people in attendance, the number  
15 of people who spoke as proponents or opponents of the waiver, a  
16 brief description of their comments, and whether there were any  
17 written statements submitted. The State Board shall review the  
18 applications and requests for completeness and shall compile  
19 the requests in reports to be filed with the General Assembly.  
20 The State Board shall file reports outlining the waivers  
21 requested by eligible applicants and appeals by eligible  
22 applicants of requests disapproved by the State Board with the  
23 Senate and the House of Representatives before each March 1 and  
24 October 1. The General Assembly may disapprove the report of  
25 the State Board in whole or in part within 60 calendar days  
26 after each house of the General Assembly next convenes after

1 the report is filed by adoption of a resolution by a record  
2 vote of the majority of members elected in each house. If the  
3 General Assembly fails to disapprove any waiver request or  
4 appealed request within such 60 day period, the waiver or  
5 modification shall be deemed granted. Any resolution adopted by  
6 the General Assembly disapproving a report of the State Board  
7 in whole or in part shall be binding on the State Board.

8 (e) An approved waiver or modification (except a waiver  
9 from or modification to a physical education mandate) may  
10 remain in effect for a period not to exceed 5 school years and  
11 may be renewed upon application by the eligible applicant.  
12 However, such waiver or modification may be changed within that  
13 5-year period by a board or regional superintendent of schools  
14 applying on behalf of schools or programs operated by the  
15 regional office of education following the procedure as set  
16 forth in this Section for the initial waiver or modification  
17 request. If neither the State Board of Education nor the  
18 General Assembly disapproves, the change is deemed granted.

19 An approved waiver from or modification to a physical  
20 education mandate may remain in effect for a period not to  
21 exceed 2 school years and may be renewed no more than 2 times  
22 upon application by the eligible applicant. An approved waiver  
23 from or modification to a physical education mandate may be  
24 changed within the 2-year period by the board or regional  
25 superintendent of schools, whichever is applicable, following  
26 the procedure set forth in this Section for the initial waiver

1 or modification request. If neither the State Board of  
2 Education nor the General Assembly disapproves, the change is  
3 deemed granted.

4 (f) (Blank).

5 (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10;  
6 97-1025, eff. 1-1-13.)

7 (105 ILCS 5/27-24) (from Ch. 122, par. 27-24)

8 Sec. 27-24. Short title. Sections 27-24 through 27-24.10  
9 ~~27-24.8~~ of this Article are known and may be cited as the  
10 Driver Education Act.

11 (Source: P.A. 76-1835.)

12 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

13 Sec. 27-24.2. Safety education; driver education course.  
14 Instruction shall be given in safety education in each of  
15 grades one through 8, equivalent to one class period each week,  
16 and any school district which maintains grades 9 through 12  
17 shall offer a driver education course in any such school which  
18 it operates. Its curriculum shall include content dealing with  
19 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,  
20 the rules adopted pursuant to those Chapters insofar as they  
21 pertain to the operation of motor vehicles, and the portions of  
22 the Litter Control Act relating to the operation of motor  
23 vehicles. The course of instruction given in grades 10 through  
24 12 shall include an emphasis on the development of knowledge,

1 attitudes, habits, and skills necessary for the safe operation  
2 of motor vehicles, including motorcycles insofar as they can be  
3 taught in the classroom, and instruction on distracted driving  
4 as a major traffic safety issue. In addition, the course shall  
5 include instruction on special hazards existing at and required  
6 safety and driving precautions that must be observed at  
7 emergency situations, highway construction and maintenance  
8 zones, and railroad crossings and the approaches thereto. The  
9 course of instruction required of each eligible student at the  
10 high school level shall consist of a minimum of 30 clock hours  
11 of classroom instruction and a minimum of 6 clock hours of  
12 individual behind-the-wheel instruction in a dual control car  
13 on public roadways taught by a driver education instructor  
14 endorsed by the State Board of Education. Both the classroom  
15 instruction part and the practice driving part of such driver  
16 education course shall be open to a resident or non-resident  
17 student attending a non-public school in the district wherein  
18 the course is offered. Each student attending any public or  
19 non-public high school in the district must receive a passing  
20 grade in at least 8 courses during the previous 2 semesters  
21 prior to enrolling in a driver education course, or the student  
22 shall not be permitted to enroll in the course; provided that  
23 the local superintendent of schools (with respect to a student  
24 attending a public high school in the district) or chief school  
25 administrator (with respect to a student attending a non-public  
26 high school in the district) may waive the requirement if the

1 superintendent or chief school administrator, as the case may  
2 be, deems it to be in the best interest of the student. A  
3 student may be allowed to commence the classroom instruction  
4 part of such driver education course prior to reaching age 15  
5 if such student then will be eligible to complete the entire  
6 course within 12 months after being allowed to commence such  
7 classroom instruction.

8 A school district may offer a driver education course in a  
9 school by contracting with a commercial driver training school  
10 to provide both the classroom instruction part and the practice  
11 driving part or either one without having to request a  
12 modification or waiver of administrative rules of the State  
13 Board of Education. If a school district chooses to contract  
14 with a commercial driver training school, then the district  
15 must provide evidence to the State Board of Education that the  
16 commercial driver training school with which it will contract  
17 holds a license issued by the Secretary of State under Article  
18 IV of Chapter 6 of the Illinois Vehicle Code and that each  
19 instructor employed by the commercial driver training school to  
20 provide instruction to students served by the school district  
21 holds a valid teaching license issued under the requirements of  
22 this Code and rules of the State Board of Education. Such  
23 evidence must include, but need not be limited to, a list of  
24 each instructor assigned to teach students served by the school  
25 district, which list shall include the instructor's name,  
26 personal identification number as required by the State Board

1 of Education, birth date, and driver's license number. In  
2 addition, the school district shall notify the State Board of  
3 Education of any changes in the personnel providing instruction  
4 within 15 calendar days after an instructor leaves the program  
5 or a new instructor is hired. Such notification shall include  
6 the instructor's name, personal identification number as  
7 required by the State Board of Education, birth date, and  
8 driver's license number. If a school district maintains an  
9 Internet website, then the district shall post a copy of the  
10 final contract between the district and the commercial driver  
11 training school on the district's Internet website. If no  
12 Internet website exists, then the district shall make available  
13 the contract upon request. A record of all materials in  
14 relation to the contracting of a driver education course must  
15 be maintained by the school district and made available to the  
16 parents and guardians of students upon request. The  
17 instructor's date of birth and driver's license number and any  
18 other personally identifying information as deemed by the  
19 federal Driver's Privacy Protection Act of 1994 must be  
20 redacted from any public materials.

21       Such a course may be commenced immediately after the  
22 completion of a prior course. Teachers of such courses shall  
23 meet the licensure ~~certification~~ requirements of this Code Act  
24 and regulations of the State Board as to qualifications.

25       Subject to rules of the State Board of Education, the  
26 school district may charge a reasonable fee, not to exceed \$50,

1 to students who participate in the course, unless a student is  
2 unable to pay for such a course, in which event the fee for  
3 such a student must be waived. However, the district may  
4 increase this fee to an amount not to exceed \$250 by school  
5 board resolution following a public hearing on the increase,  
6 which increased fee must be waived for students who participate  
7 in the course and are unable to pay for the course. The total  
8 amount from driver education fees and reimbursement from the  
9 State for driver education must not exceed the total cost of  
10 the driver education program in any year and must be deposited  
11 into the school district's driver education fund as a separate  
12 line item budget entry. All moneys deposited into the school  
13 district's driver education fund must be used solely for the  
14 funding of a high school driver education program approved by  
15 the State Board of Education that uses driver education  
16 instructors endorsed by the State Board of Education.

17 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."